(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 4689 / 2004.

PETITIONERS :1. GENDIAL S/o JAGNU DESHMUKH, Aged about 22 years, R/o Janjgiri, P.S.Pulgaon, Durg (C.G.).

2. GAUKARAN S/o JAGDISH SAHU, Aged about 40 years, R/o village Janjgiri, Dist. Durg (C.G.).

P.R.No. 31/7/04 Presented by Shri A.C. Malviya dated 10-9-04

V E R S U S

RESPONDENTS 1. SMT.LAXMI DEDSENA W/o Late-TARUN LAL DEDSENA, Aged about 40 years.

2. MUKESH KUMAR S/o Late TARUN-LAL DEDSENA, Aged about 20-years.

3. DHANANJAY S/o Late TARUN LAL-DEDSENA, Aged about 18 years.
All residents of village-Semra P.O.Silaoti, Tehsil and Dist. Dhamtari

4. Insurance Company.

PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE CERTIORARI/DIRECTION/ DIRECTIONS, ORDER/ORDERS

1. PARTICULARS OF THE PETITIONER :

As mentioned in the title clause.

contd.2/.....

XI-HC-22

(36)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 4689/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.1.2005 Shri Abhijeet Sarkar, counsel for the petitioner. The petitioner has preferred this petition under Article 227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 16.8.2004 (Annexure A-1) passed by learned 9th Additional Accident Claims Tribunal (Fast Track Court), Durg whereby learned Tribunal allowed the application filed by the respondents No.1 to 3 herein under Order 6 Rule 17 of the Code of Civil Procedure for amendment in the claim petition on the ground that on account to typographical mistakes registration numbers of Tractor, Trolley and Motor-cycle were typed out wrongly, therefore, they should be allowed to correct the same. After hearing the parties, learned tribunal allowed the said application treating the same as typographical mistakes. I have heard learned counsel for the petitioner ~~at the~~ admission stage, perused the application filed by the respondents No.1 to 3 herein for amendment in the claim petition and also the impugned order. In paragraph No.3 of the said application it has been specifically mentioned that the numbers of tractor, trolley and motorcycle were typed out wrongly on account of typographical mistakes. Perusal of the impugned order reveals that learned tribunal held that the amendment, which has been sought for, has been sought on the ground of typographical mistakes. It has been mentioned in the order that so far no evidence has been recorded,	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

proceeding has not been started and in order to decide the real controversy between the parties the amendment sought for is necessary. Therefore, the impugned order has been passed in consonance with the provisions of Order 6 Rule 17 of CPC.

In view of the above, I do not find any illegality or infirmity in the impugned order, the petition of the petitioner is liable to be dismissed and accordingly, it is dismissed at the admission stage itself.

Sd/-
L.C.BHADOO
Judge

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[पीछे देखिये